



BUSINESS LICENSE COMMISSION
COUNTY OF LOS ANGELES
374 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CA 90012
(213) 974-7691



January 6, 2010 MEETING

374 HALL OF ADMINISTRATION

MINUTES

Commissioners Present

Steven Afriat, President
Renée Campbell, Vice President
Diana Wood, Secretary
Sara Vasquez, Commissioner

Absent Commissioners

James Barger, Commissioner

Commission Services Staff

Twila P. Kerr
Lupe Duron

County Representatives

Barbara Goul, Principal Deputy County Counsel
Cristina Hernandez, Treasurer and Tax Collector
Cesar Gallegos, Sheriff's Department
Michael Mileski, Sheriff's Department
Al Reyes, Sheriff's Department
S. Villegas, Sheriff's Department
Jose Rubio, Regional Planning

Guests

Araceli Campos
Robert Feliciano
Robin Haulman, Attorney
John Miles
Douglas Salvinski

A full list of guests on file in Commission office.

MEMBERS
STEVEN AFRIAT
PRESIDENT
RENÉE CAMPBELL
VICE-PRESIDENT
DIANA WOOD
SECRETARY
JAMES BARGER
COMMISSIONER
SARA VASQUEZ
COMMISSIONER

CALL TO ORDER

President Afriat called the meeting to order at 9:08 a.m.

ELECTION OF 2010 COMMISSION OFFICERS

ACTION TAKEN: The Commission re-elected Commissioner Afriat as President, Commissioner Campbell as Vice President and Commissioner Wood as Secretary.

Motion: Commissioner Vasquez, seconded by Secretary Wood

Vote: Unanimously carried

MINUTES

ACTION TAKEN: MINUTES of November 18, 2009 – Approved

Motion: Secretary Wood, seconded by Vice President Campbell

Vote: Unanimously carried

ACTION TAKEN: MINUTES of December 16, 2009 – Approved

Motion: Secretary Wood, seconded by Vice President Campbell

Abstention: President Afriat

Vote: Duly carried

PUBLIC HEARING

Application for Issuance of Information Card and Notice of Intention to Solicit

Mexican American Legal Defense and Educational Fund (MALDEF)
Etelvina De La Torre
634 South Spring Street, 11th Floor
Los Angeles, CA 90014 (Second District)

Ms. Araceli Campos, Corporate Counsel, provided a brief background on the organization. She stated that MALDEF was established in 1968 and is the largest Civil Rights organization recognized for their work to further civil rights for Latino's. Thomas Saenz is the newly appointed President and CEO of the organization. There are 25 members on their Board of Directors. She noted that two signatures are required on all checks written by the organization.

ACTION TAKEN: The Commission approved the issuance of the Information Card.

Motion: Vice President Campbell, seconded by President Afriat

Vote: Unanimously carried

ACTION TAKEN: The Commission approved the application for Notice of Intention to Solicit.

Motion: Vice President Campbell, seconded by President Afriat

Vote: Unanimously carried

Recommendation to Deny Public Eating Business License ID#130446

Douglas Salvinski, President
Micropaladin Inc.
The Hideout
13456 Telegraph Road
Whittier, CA 90605 (First District)

This was a continuation of the hearing that began on December 9, 2009.

Cristina Hernandez, Treasurer and Tax Collector's office, was present on behalf of County staff and reported that the Sheriff's Department recommended that this renewal application be denied. Evidence and testimony was presented by the Sheriff's Department by Lieutenant Al Reyes, Detective Michael Mileski, and Deputy Villegas. Jose Rubio, Zoning Enforcement, Los Angeles County Department of Regional Planning also testified. Ms. Haulman conducted cross-examinations of Lt. Reyes and Detective Mileski.

Applicant testified on his own behalf and presented testimony by employee John Miles and consultant Robert Feliciano. Employees Elizabeth Navarrette and Diana Selinas also testified.

Lt. Reyes testified that for a period of October 8, 2007 to October 8, 2009, the Sheriff's Department received 35 calls for service, which included assaults with deadly weapons, public intoxication, and possession and sale of cocaine, regarding the above mentioned business. One of the calls involved an alleged hand grenade, necessitating the deployment of many officers, including the bomb squad.

Detective Mike Mileski, Sheriff's Department reported that he oversees a grant provided by the State of California to conduct business friendly inspections to educate business owners of California Department of Alcoholic Beverage Control (ABC) regulations. He reported his findings from the formal inspections conducted at the Hideout on February 8, 2008 and February 4, 2009. He stated that at one of the inspections, he informed the bartender on duty that in accordance with ABC the rear door could not be left open and cited Title 4, California Code of Regulations section 143.2 as to the proper attire that must be worn. At the time of the inspection all required ABC regulatory signs were not posted. On February 4, 2009 the bar was cited for Employment Development Department Labor Code violations.

Detective Mileski presented photos from the Hideout that advertise string bikini bar displaying female bartenders wearing bikinis and a flyer from the establishment.

During cross-examination by Ms. Haulman, it was determined that the above mentioned ABC and Labor Code violations were corrected by the applicant.

Applicant Salvinski confirmed that the website photos presented to the Commission by Detective Mileski were currently used on their website but were not taken at the Hideout.

Mr. Salvinski gave a brief description of his establishment stating that it is a beer tavern similar to Hooters but without food service. The establishment is approximately 1,000 square feet with a maximum seating capacity of 30 people. The bartenders are all female

and wear bikinis while on duty. The establishment is open seven days a week and has three shifts noon to 4 pm, 4 pm to 8 pm, and 8 pm to 2 am. Only one bartender staffs each shift. There is no hired security. The bartenders photocopy a patron's driver's license before providing service.

Mr. Miles, General Manager of the Hideout, testified that he is at the location four to five times per week. They also have two janitors who open and close the establishment daily.

Diana Selinas testified that the establishment is a safe place to work.

The Commission recessed at 10:39 a.m.

The Commission reconvened at 10:50 a.m.

Mr. Rubio reported that the Department of Regional Planning has received numerous complaints from the residents regarding insufficient parking. He further stated that the business didn't require a conditional use permit upon original licensing and is exempt.

On April 1, 2009 during a routine inspection Mr. Rubio informed Mr. Miles that the business appeared to be an adult entertainment business and they should apply for a conditional use permit.

Deputy Villegas, Sheriff's Department, spoke of a conversation and video shown to him by a former employee of the Hideout. The applicant and his attorney questioned the veracity of the former employee.

PUBLIC COMMENTS

There were 14 residents present to express their complaints of the negative activity at the Hideout. (A complete lists of speakers and petitions on file) They reported, among other things, bartenders outside smoking in their bikinis, urinations on neighboring property, drug deals in the alley, and an incident of oral sex in the alley which was testified by a fourteen year old boy who witnessed the incident when he was twelve.

After the community members spoke, employees Elizabeth Navarrette and Diana Selinas testified. Ms. Navarrette has been working at the Hideout for approximately four months. She stated that after serving a patron beer, she has gotten up on the bar counter and walked across to get her tip. Ms. Selinas denied that the bartenders do that.

The Commission recessed the morning session at 12:16 p.m.

The Commission reconvened the afternoon session at 12:25 p.m.

The Commission proceeded with other agenda items before continuing with the hearing.

COMMISSIONERS' COMMENTS

The Commissioner reviewed the calendar for the month of January 2010.

MATTERS NOT POSTED ON THE AGENDA TO BE PLACED ON A FUTURE AGENDA

There were none.

At 12:41 p.m. the Commission continued the hearing for the Hideout. Ms. Haulman opened her presentation with the background of the employees of the establishment. Thereafter, Mr. Feliciano, expert witness reviewed Exhibit E, a matrix of (35 tag items) services call to the establishment over the past two years and compared the service calls of three other local taverns. He opined that there was no indication that the Hideout was a problem bar. Upon further questioning of Lt. Reyes, Lt. Reyes said that he would classify the Hideout as a problem bar.

Ms. Haulman provided closing arguments against the denial of the renewal of the public eating license. Mr. Salvinski spoke in favor of his business.

The Commission deliberated and determined that the testimony and evidence were compelling as to the Hideout being an attractive nuisance attracting illegal activity and disrupting the community, there had been ABC and labor violations, there was an inordinate number of calls for police service, and there was insufficient oversight and control by management. The Commission also expressed concern for safety of both the neighborhood and the bartenders working at the bar. The Commission particularly found credible and compelling testimony of Ms. Navarrette and the fourteen year old boy.

ACTION TAKEN: The Commission upheld the recommendation to deny Business License ID #130466.

Motion: Commissioner Vasquez seconded by Vice President Campbell

Vote: Unanimously carried

Following brief discussion, President Afriat thanked all in attendance and expressed that in his 14 years on the Commission this was the longest hearing for the Commission by far.

ADJOURNMENT

The Commission adjourned at 2:30 p.m.


Steven Afriat, President